

The 28th April, 1986

No. 9/6/86-6 Lab./3221.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the Management of M/s Modern Ex-Serviceman Engineering Co. 288, Industrial Area, H. M. T. Ancillary Unit, Panchkula (Haryana).

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA
Ref. No. 51 of 1985.

SHRI P. S. MOHINDRA, WORKMAN AND THE MANAGEMENT OF THE MESSRS MODERN EX-SERVICEMAN-ENGINEERING CO. 288, INDUSTRIAL AREA, H. M. T. ANCILIARY UNIT, PANCHKULA (HARYANA),

Present:—

Shri Abhey Singh, for the workman.

Shri D. K. Soi, for the respondent.

AWARD

The Hon'ble Governor of Haryana in exercise of powers conferred,—*vide* clause (C) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred dispute between Shri P. S. Mohindra and Messrs Modern Ex- serviceman Engineering Company, Industrial Area, Panchkulla to this Court. The terms of the reference are as under:—

“Whether the termination of services of Shri P. S. Mohindra workman is just and correct, If not, to what relief is he entitled” ?

Shri P. S. Mohindra alleged that he had been working as a Store Keeper for the last five years on a monthly wages of Rs 450. His services were terminated by respondent on 20th November, 1983 without any cause or reason what so ever in violation of section 25 (F) of the Industrial Disputes Act, 1947. He prayed for his re-instatement with continuity in service and with full back wages.

Respondent management appeared contested the reference contended that Shri P. S. Mohindra was appointed on 1st December, 1982. He was discharged on 1st December, 1983 and was again re-appointed on 5th January, 1984 and was again discharged on 9th December, 1984. It was further contended that the termination of the workman is discharge simplicitor. It was further contended that a settlement arrived at between the parties before Labour Inspector on 5th January, 1985 but the workman did not own that settlement, so claim of the workman be dismissed.

On the pleadings of the parties the following issues were framed :

Issues :

1. Whether the termination order regarding the services of workman is legal if so its effect?
OPW
2. Relief.

Case was fixed for workman evidence for today parties reached at emicable settlement. It was agreed upon that the respondent management shall pay Rs 4000 to workman in all against his claims made in the reference. Workman waived his right of reinstatement with continuity of service and other back wages etc. However he shall be entitled to recover provident funds deposited if any with provident fund Commissioner. Rs 4000 shall be paid to workman on or before 20th April, 1986 if the management failed to make payment of this amount in those circumstances the workman shall have right to proceed with his reference. In view of above compromise I pass award regarding the controversy between the parties accordingly.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

Dated 12th March, 1986.

Endst. No. 812, dated 18th March, 1986.

Forwarded (Four Copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

KULWANT SINGH,
Secretary to Government, Haryana,
Labour and Employment Department.